

REMARKS

Status of Claims:

Claim 6 stands canceled and claims 10-22 have been added. Thus, claims 1-5 and 7-22 are present for examination.

Formal Drawings

Formal drawings are being submitted herewith.

Prior Art Rejection

Claims 1, 2, 4, and 8 stand rejected under 35 U.S.C. 102(e) as being anticipated by Beaton (6,608,637). Further, claim 5 stands rejected under 35 U.S.C. 103 as unpatentable over Beaton in view of Barvesten (6,714,802).

The Examiner's rejections are respectfully traversed.

Claim 1 has been amended to more particularly distinguish applicant's claims from the cited Beaton reference. In particular, applicant's claim 1 is directed toward a mobile communication device having a main display area, a keypad and a touch sensitive display area. The main display area has been amended so that it specifically recites that it is not a touch sensitive display area. The touch sensitive display area is configured to display one or more function keys and to allow selection of one or more functions by contact with the one or more function keys of the touch sensitive display area.

In contrast, Beaton teaches the use of a graphic user interface 2400 (Figure 2) permitting the user to touch any of the icons to select an application to run (column 5, lines 52-54 and column 7, lines 11-19), or the user may enter text into the touch note area 7700 (Figures 7 and 8C). In particular, the patent describes the display module 3700 as an LCD with an analog touch screen overlay. (See column 4, lines 39-44.) In contrast, applicant's invention utilizes an LCD display screen which is not touch sensitive but in addition utilizes a touch sensitive screen area 22. In this manner, the soft function keys which are displayed utilizing the touch screen area 22 does not have to occupy valuable space on the main display

screen and the label function can be integrated into the button functionality in a single touch sensitive area. See applicant's specification, page 4, second full paragraph.

Inasmuch as applicant's amended claim 1 clearly recites limitations which are not found in the Beaton reference applied by the Examiner, the Examiner can no longer maintain the section 102 rejection. In order for a reference to anticipate a claim, the reference must disclose each and every claim limitation. This is certainly not the case here and thus the section 102 rejection must be withdrawn.

The rejection of dependent claim 5 is likewise traversed in view of the amendments made hereto to independent claim 1 from which claim 5 depends. Inasmuch as the primary reference of Beaton does not disclose applicant's invention as recited in claim 1, the combination of Beaton and Barvesten must be withdrawn with regard to claim 5. The Patent and Trademark Office has simply not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. 103.

In view of the arguments set forth above, it is submitted that applicant's claim 1 is patentable over the prior art. As such, dependent claims 2-5 and 7-9 which depend directly or indirectly upon claim 1 are likewise deemed patentable. Further, newly submitted dependent claims 10-14 likewise depend directly or indirectly upon independent claim 1 and are thus similarly deemed to be patentable.

The Examiner has indicated that claims 3, 7 and 9 are objected to but would be held allowable if placed in independent form. Claim 15 represents the independent form of claim 3 and combines original claim 1 with original claim 3. Claims 16-18 depend from newly submitted claim 15 and are likewise deemed patentable.

Newly submitted independent claim 19 is similar to newly submitted claim 15 but eliminates the recitation that the touch sensitive display area is arranged between the main display area and the keypad. However, claim 19 does retain the limitation wherein the touch sensitive area has a mask to show the one or more user input options as separate keys. This last limitation is deemed to be the reason that claims 3, 7 and 9 were merely objected to and allowability did not rest upon the former limitation of the arrangement of the touch sensitive

display area between the main display and the keypad. This, it is submitted that claim 19 is allowable basically for the same reasons as expressed by the Examiner with regard to claims 3, 7, and 9. Dependent claims 20-22 depend from claim 19 and are likewise deemed allowable.

Conclusions:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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